



### REASONS FOR MOTION

Defendant moves this Court under the dictates that outline the U.S. Supreme Court's decision in Haines vs. Kerner, 404 U.S. 519(1972), " a pro se petitioner's motion is held to less stringent standards than the more formal pleadings drafted by lawyers".

Defendant further moves the Court for compassionate release from federal custody due to the ongoing global pandemic (COVID-19) which is widespread in the United States and continues to affect the prison population, particularly at the Beaumont-low facility where over five hundred (500) inmates have contracted and tested positive for COVID-19. And although it is recommended that inmates practice social distance, it is near impossible to accomplish given the fact that the facility is open dormitories.

Further, the Bureau Of Prisons (BOP) has increased home confinement by over 40% since March 27, 2020 when the House passed, and President Trump signed into law, the Coronavirus Aid, Relief, or the "CARES Act". Among other things, the CARES Act broadens the authority of the Attorney General and the Director of the BOP, during the COVID-19 crisis, to release prisoners to home confinement which allows the courts' to modify the sentences of prisoners who present "extraordinary and compelling reasons" i.e., long-term, pre-existing medical conditions that may compromise an inmates' health due to exposure to COVID-19.

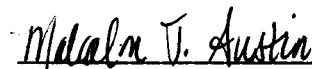
In the instant case, Defendant states to the Court that he has been diagnosed, and suffers, among other things, with Gastrointestinal Perforation which is the result of several gunshot wounds which leaves him vulnerable to a more severe case of COVID-19.

Defendant also has the support of family who are available to assist in Defendant's transition back into society to be a more productive citizen to his community.

### CONCLUSION

WHEREFORE, premises considered, MALCOLM JAMAL AUSTIN, pro se, asks and prays that the Court grant this motion and immediately release defendant to home confinement, or any other relief the Court deems proper and just for the above mentioned reasons.

Respectfully submitted,

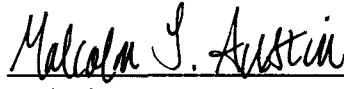
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MALCOLM J. AUSTIN  
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P.O. Box 26020  
Beaumont, TX 77720  
PRO SE

**CERTIFICATE OF SERVICE**

I, Malcolm Austin, hereby certify that I mailed a true and correct copy of the foregoing document by first class prepaid U. S. postage to the U.S. Attorneys' Office at: 1000 Louisiana St., Ste. #2300, Houston, TX. 77002 on:

August 19, 2020

  
\_\_\_\_\_  
Malcolm Austin

Malcolm Austin

FBI-LOW

P.O. Box 26080

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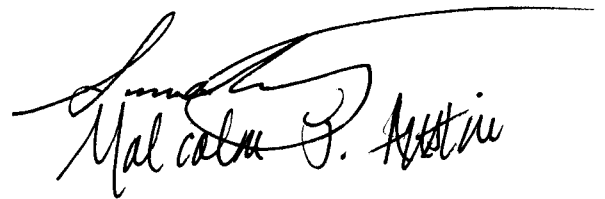
RE: U.S. v. Malcolm Austin CASE No. H-12-CR-00100 (01)

DEAR CLERK

PLEASE FIND THE ORIGINAL AND ONE COPY FOR  
FILING IN THE ABOVE CASE NUMBER.

I HAVE ALSO INCLUDED ~~SA~~ S. A. S. E.  
FOR THE RETURN "STAMPED-FILED" COPY FOR MY  
RECORDS.

THANK YOU IN ADVANCE FOR YOUR TIME  
AND ASSISTANCE IN THIS MATTER.

  
Malcolm J. Austin

Michael Austin #08865-379  
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Beaumont, TX 77720

United States Courts  
Southern District of Texas  
FILED

AUG 24 2020

David J. Bradley, Clerk of Court

Att: David Bradley, Clerk  
U.S. District Court  
P.O. Box 61010  
Houston, TX 77208

